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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,659	07/05/2001	Jose Guterman	INTL-0595-US (P11736)	2671
7590 08/03/2004			EXAMINER	
Timothy N. Trop TROP, PRUNER & HU, P.C. 8554 KATY FWY, STE 100 HOUSTON, TX 77024-1805			NAJJAR, SALEH	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/899,659	<b>Applicant(s)</b> GUTERMAN	
	<b>Examiner</b> Saleh Najjar	<b>Art Unit</b> 2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16,18-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16,18-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is responsive to the amendment filed on May 25, 2004. Claims 1-15, 17, 22, and 29 were canceled. Claims 16, 18, 21, 23, and 26 were amended. Claims 16, 18-21, and 23-28 are pending.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 18-21, and 23-28 are rejected 35 U.S.C. 103(a) as being unpatentable over Lange et al., U.S. Patent no. 6,163,794.

Lange teaches the invention substantially as claimed including a network system, which allows users to customize agents for network service provisioning (see abstract).

As to claim 16, Lange teaches a method comprising:  
receiving personal agent software from a subscriber (see figs. 1-6; col. 9, lines 10-55, Lange discloses that customized agents are written by subscribers and uploaded to the server);

detecting the occurrence of a network event (see col. 10, lines 1-15, Lange discloses that agents are uploaded to process certain type of events);

upon detecting the occurrence of a network event, determining whether personal agent software for the event is permissioned; and executing said software to provide services to said subscriber (see col. 24, lines 10-60; col. 25, lines 1-30, Lange discloses that when an event is detected, it is determined whether the permissions held by the agent include the permissions required for executing the instructions required by the event).

Lange does not explicitly teach the limitation of determining whether the personal agent is available. Lange does teach that when an event is detected, it is determined

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whether the permissions held by the agent include the permissions required for executing the instructions required by the event (see col. 24, lines 10-60; col. 25, lines 1-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lange by specifying the permission identification of the agent as the agent availability since the same functionality of identifying an agent capable of processing the event is achieved.

As to claim 18, Lange teaches the method of claim 18, wherein if personal agent software for the event is not permissioned, processing the event using network event processing (see col. 25, lines 1-10, Lange discloses that when the agent is not permissioned, a network error routine event processing is executed).

As to claim 19, Lange teaches the method of claim 16, including detecting the occurrence of an event, and upon the detection of the occurrence of an event, selecting an appropriate agent to run (see col. 24-25).

As to claim 20, Lange teaches the method of claim 19 including making available service primitives to implement network call functions to personal agent software that provides personalized services to subscribers to said telephone network (see col. 22-26).

Claims 21, and 23-26 do not teach or define any new limitations above claims 16, 18-20 and therefore are rejected for similar reasons.

As to claim 27, Lange teaches the system of claim 26 wherein said system is coupled to the telephone network to receive said personal agent software (see col. 8, lines 15-25).

As to claim 28, Lange teaches the system of claim 26 wherein said system receives said personal agent software over the Internet (see col. 6).

4. Applicant's arguments with respect to claims 16, 18-21, and 23-28 have been considered but are moot in view of the new ground(s) of rejection.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157